

Date Posted: July 11

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

July 15, 2014

**Council Chambers, City Hall, 145 Taunton Avenue, East Providence,
RI 02914**

7:00 P.M. Executive Session

7:30 P.M. Open Session

I. EXECUTIVE SESSION

The City Council of the City of East Providence will meet in Executive Session pursuant to RI General Laws § 42-46-5 (a) (2)

A. Claims

- 1. Amica Mutual Insurance Company (Ins. Mario Furtado)**
- 2. Geoffrey Golomb**
- 3. Frederick R. Roberts, Jr.**

B. Sewer Abatements

- 1. Christopher Arruda**
- 2. Benxui Ji**

C. Fire Department Negotiations

II. CALL TO ORDER

III. SALUTE TO THE FLAG

IV. TO APPROVE THE CONSENT CALENDAR

All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.

A. Cancelation/Abatements

| Year | Amount |
|-------------|---------------|
|-------------|---------------|

| | |
|-------------|-----------------|
| 2013 | \$498.98 |
|-------------|-----------------|

| | |
|-------------|--------------------|
| 2014 | \$32,770.11 |
|-------------|--------------------|

| | |
|--------------|--------------------|
| Total | \$33,269.09 |
|--------------|--------------------|

B. Alcoholic Beverage Class F

Maryann Marques, 81 North Carpenter Street, St. Francis Xavier Church, 160 Orchard Street (02914), Celebration of the Priesthood, July 12, 2014.

C. Council Journals

- 1. Regular Council Meeting June 3, 2014**
- 2. Regular Council Meeting June 17, 2014**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

V. PUBLIC COMMENT

VI. PROCLAMATIONS AND PRESENTATIONS

**East Providence High School Boys Baseball Division II Champions
(by Councilwoman Capobianco)**

VII. LICENSES REQUIRING PUBLIC HEARING

A. Second Hand/Antiques

**Robert O. Bickford, III DBA Remember When, 660 Bullocks Point
Avenue (02915), Robert O. Bickford, III, 53 Woodbine Street (02915)**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

VIII. LICENSES NOT REQUIRING PUBLIC HEARING

A. Peddler – Hot Dogs, Etc. (90 Day)

Raymond Thimas DBA Ray's Dogs, 44 Cole Street (02914)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

B. Holiday Sales – Change of Location

Riana, Inc. DBA Furniture Clearance Center, changing location to 66 Newport Avenue (02916) from 80 Newport Avenue (02916), Robert Russo, 10 Carlo Court (02921)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

C. Carnival

**Amron Family Fun Fare, 577 Rocky Hill Road, North Scituate (02857),
Edward Browning, 577 Rocky Hill Road, North Scituate (02857)**

**Location: Crescent Park Carousel, 700 Bullocks Point Avenue, July
23-August 3**

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

D. Vict/Not Over 25

A.G. Bakery Morning Star, LLC DBA Morning Star Bakery, 1106 South

Broadway (02914)

Carlos A. Bolarinho, 83 Leonard Avenue (02914)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

E. Holiday Sales

A.G. Bakery Morning Star, LLC DBA Morning Star Bakery, 1106 South Broadway (02914)

Carlos A. Bolarinho, 83 Leonard Avenue (02914)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

F. Holiday Sales

Robert O. Bickford, III DBA Remember When, 660 Bullocks Point Avenue (02915), Robert O. Bickford, III, 53 Woodbine Street (02915)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

IX. PUBLIC HEARING – ORDINANCES FINAL PASSAGE

A. .ADOPTING AN AMENDED EAST PROVIDENCE WATERFRONT SPECIAL DEVELOPMENT DISTRICT TAX INCREMENT FINANCING PLAN (THE “AMENDED PROJECT PLAN”) AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE CERTAIN PUBLIC

INFRASTRUCTURE AND PUBLIC IMPROVEMENTS NECESSARY IN CONNECTION WITH THE KETTLE POINT PROJECT

WHEREAS, by Ordinance No. 516 adopted October 5, 2010 and October 19, 2010 (the “2010 Redevelopment Ordinance”), the City Council adopted and approved the East Providence Waterfront Special Development District Plan (the “Redevelopment Plan”) and designated the area within the City described in the Redevelopment Plan as the East Providence Waterfront Special Development District as a redevelopment area (the "Redevelopment Area") pursuant to chapters 31-33 of title 45 of the Rhode Island General Laws, the Redevelopment Act of 1956 (the "Redevelopment Act"); and

WHEREAS, pursuant to the 2010 Redevelopment Ordinance, the City Council approved the East Providence Special Waterfront Development District Tax Increment Financing (TIF) Project Plan (the “Project Plan”) which designates several Special Development Sub-districts, including the Kettle Point Special Development Sub-district (the “Project Area”); and

WHEREAS, upon recommendation of the East Providence Waterfront Special Development District Commission (the "Waterfront Commission") the City Council approved Amendment No. 1 to the TIF Project Plan (as amended, the “Amended Project Plan”), by Ordinance No. 578 duly passed by the City Council on May 21, 2013 and June 4, 2013 (the “2013 Redevelopment Ordinance”), based upon the City’s findings, among other things, that the projects, facilities, programs and other assistance described in the Amended Project Plan are needed and in the public interest; and

WHEREAS, it is the purpose and intent of the City Council to facilitate redevelopment of the Redevelopment Area to accommodate the City's redevelopment initiatives; and

WHEREAS, pursuant to the Redevelopment Act and chapter 33.2 of title 45 of the Rhode Island General Laws (the "Tax Increment Financing Act") the City desires to raise funds for such redevelopment by the issuance of tax increment financing bonds of the City or other bonds secured by a tax increment pledge ("TIF Bonds"); and

WHEREAS, the Tax Increment Financing Act requires as conditions precedent to the creation of a tax increment, that the City Council adopt a redevelopment plan and a project plan, including the designation of a tax increment area and the calculation of the tax increment to be derived from taxes levied on real and personal property situated in or otherwise assignable for purposes of property taxation in the tax increment area; and

WHEREAS, the City Council is required by the Redevelopment Act to make certain findings, determinations and declarations in connection with the adoption of a redevelopment plan and a project plan; and

WHEREAS, Kettle Point, LLC has changed its name to Kettle Point LLC ("KP LLC") and KP LLC continues to be the designated developer of certain land located in the Kettle Point Special Development Sub-district and KP LLC anticipates that it will develop a residential project in the Kettle Point Special Development Sub-district and incur capital expenditures of approximately \$86,000,000 for such development (the "Kettle Point Project"); and

WHEREAS, in response to market conditions, KP LLC intends to change the number of condominiums and luxury apartments in the development and has requested other concessions from the City; and WHEREAS the East Providence Waterfront Commission has recommended that the City Council approve Amendment No. 2 to the Project Plan dated as of June 15, 2014 which amends the Project Plan consistent with improvements now contemplated by KP LLC for the Project Area;

WHEREAS, pursuant to the Tax Increment Financing Act, the City shall designate a portion of the tax increment resulting from the Kettle Point Project for the benefit of certain projects described in the Redevelopment Plan and the Project Plan, including the infrastructure and public improvements contemplated by the Kettle Point Project (the "TIF Projects"); and

WHEREAS, the City wishes to provide authorization, subject to Section 8 hereof, for the issuance of special obligation bonds and/or bond anticipation notes pursuant to the Tax Increment Financing Act in an aggregate amount not to exceed \$10,600,000 to finance and refinance the TIF Projects related to the Kettle Point Project; and

WHEREAS, TIF Bonds will be payable solely from "project revenues" as defined in the Tax Increment Financing Act; and

WHEREAS, project revenues will include tax increments, bond proceeds and special assessments; and

WHEREAS, it is intended that special assessments will be properly imposed on land and improvements comprising the Kettle Point Project and serve as additional security for the TIF Bonds issued for

the benefit of the Kettle Point Project, such special assessments to be paid over the term of any TIF Bonds issued for the benefit of the Kettle Point Project; and

WHEREAS, the tax increment revenues will be a credit to the payment of special assessments, all as provided in the Assessment Plan as approved by the Waterfront Commission, and further described herein; and

WHEREAS, project revenues do not include general funds of the City; WHEREAS, the TIF Bonds will be special obligations of the City payable solely from project revenues; and

WHEREAS, the City wishes to amend the Project Plan to permit the development of the Kettle Point area by KP LLC, and approve the special assessment in the District as approved by Waterfront Commission for the purposes set forth above.

NOW THEREFORE, the City Council of the City of East Providence hereby makes the following findings, determinations and declarations with regard to the East Providence Waterfront Special Development District Tax Increment Financing Plan, including Amendment Nos. 1 and 2 (as so amended, the “Amended Project Plan”), which findings are required by Sections 45-32-13 through 45-32-18, Section 45-32-20 and Section 45 33.2 4(1) and (5) of the Rhode Island General Laws:

1. The Redevelopment Plan and the Amended Project Plan are feasible and conform to the comprehensive plan for the City of East Providence, and if carried out would promote the public health, safety, morals and welfare of the community, and would effectuate the purposes of the Redevelopment Act.

2. The source of funds for carrying out the TIF Projects as provided in the Redevelopment Plan and the Amended Project Plan shall be proceeds from the sale of TIF Bonds issued by the City of East Providence and any other legally available revenues contemplated by the Redevelopment Plan and Project Plan.

3. The Redevelopment Plan does not directly result in changes to streets except for the extension and construction of a portion of Waterfront Drive, the entrance features at Lyon Avenue, the construction of Kettle Point Loop Road, the construction of the road extending to the new parking area for the East Bay Bike path, the relocation of existing curb cuts on Veterans Memorial Parkway and internal roads within the Kettle Point Project.

4. The Redevelopment Plan and Amended Project Plan do not presently provide for acquisition by the City of property by negotiation or by eminent domain.

5. The Redevelopment Plan contemplates financial aid from the federal government.

6. The Redevelopment Plan provides for the retention of controls and the establishment of any restrictions or covenants which may run with the real property sold, leased, or otherwise disposed of for private or public use as are necessary to effectuate the purposes of the Redevelopment Act.

7. The findings of fact regarding “blighted and substandard conditions” set forth in the Redevelopment Plan are hereby accepted.

Based on those findings of fact, the Redevelopment Area is hereby found to be a "blighted and substandard area" as that term is defined

in Section 45-31-8 of the Redevelopment Act and requires clearance, re-planning, redevelopment, rehabilitation and improvement.

8. That the Project Area would not by private enterprise alone, and without either governmental subsidy or the exercise of governmental powers, be developed or revitalized in a manner so as to prevent, arrest, or alleviate the spread of blight or decay.

9. That the Amended Project Plan will afford maximum opportunity to privately financed development or revitalization consistent with the sound needs of the City as a whole.

10. The facilities and other assistance are needed and that the financing of the project in accordance with the Amended Project Plan is in the public interest.

11. There is not within the City an adequate supply of low rent housing for persons or families of low income available for rents they can afford to pay, the rents which those persons or families can afford to pay would not warrant private enterprise providing housing for them, and the financing of public improvements in accordance with the Amended Project Plan is in the public interest.

12. The City Council intends that the Project Area be redeveloped in accordance with the City's Redevelopment Plan and Comprehensive Plan and intends that such redevelopment promote the health, safety and welfare of the City.

13. Unemployment or the threat of unemployment exists in the City, and it is expected that the Amended Project Plan will create approximately 10 permanent and 757 temporary full-time equivalents jobs. It is expected that wages and benefits from such job will be

comparable to current market rates resulting in increased personal income tax for the State of Rhode Island.

NOW THEREFORE, the City of East Providence ordains as follows:

SECTION 1. The Kettle Point Special Development Sub-district is designated as a project area for the purposes of the Tax Increment Financing Act. The Redevelopment Plan is the official redevelopment plan for the Project Area. The Amended Project Plan, incorporated herein by reference, is adopted and approved as a project plan pursuant to chapter 45-33.2 of title 45 of the Rhode Island General Laws. The public improvements shall be in the Project Area, and shall be identified as "Kettle Point TIF Project Number 2013-1."

SECTION 2. There is hereby authorized, subject to Section 8 hereof, the issuance of special obligation bonds and/or bond anticipation notes pursuant to the Tax Increment Financing Act in an aggregate outstanding amount not to exceed \$10,600,000 to finance the TIF Projects contained in the Amended Project Plan relating to the Kettle Point Project (the "Bonds").

SECTION 3. The Bonds shall be issued for the purpose of carrying out any project or projects described in the Amended Project Plan including the TIF Projects. Without limiting the generality of the foregoing the Bonds shall be issued for TIF Project costs, which may include interest prior to and during the carrying out of any such project and for a reasonable time thereafter, such costs, reimbursements and reserves as may be required by any agreement or arrangement securing the Bonds, and all other expenses with respect thereto, including, without limitation, reimbursement of

expenses previously paid from any other source, incidental to planning, carrying out and financing any such project.

SECTION 4. The Bonds shall be payable solely from "project revenues" including tax increment as defined in the Tax Increment Financing Act and shall not be deemed to be a pledge of the faith and credit or the taxing power of the City.

SECTION 5. The City hereby pledges not more than 70% of the tax increment resulting from the Project Area to the repayment of the Bonds. Notwithstanding anything contained herein to the contrary, the debt service on the Bonds shall not exceed 60% of the estimated tax increment supporting the Bonds.

SECTION 6. Each of the Bonds shall recite on its face that it is a special obligation bond or bond anticipation note, as the case may be, payable solely from "project revenues" as defined in the Tax Increment Financing Act pledged for its repayment.

SECTION 7. The Bonds shall be dated and may be made redeemable before maturity with or without premium. The Bonds may be issued in one or more series. The Authorized Officers defined below shall determine the terms, details and manner of sale and other conditions of the Bonds and the security structure therefor for each issue of Bonds in accordance with the Tax Increment Financing Act and the Amended Project Plan, including the manner in which tax increment received and to be received under the Tax Increment Financing Act and the Amended Project Plan and other "project revenues" under the Act shall be escrowed, pledged or otherwise used to secure any such Bonds issue, and shall also determine the date or dates of the

Bonds, their denomination or denominations, the place or places of payment of the principal and interest thereon, which may be at any bank or trust company within or without the state, their interest rate or rates, maturity or maturities, redemption privileges, if any, and the form and other details of the Bonds.

SECTION 8. The City Manager and the Director of Finance (the “Authorized Officers”), in consultation with the City Solicitor, are authorized to negotiate and determine the terms and provisions of such documents required for the sale and issuance of the Bonds and the documents required to complete the TIF Projects described in the Amended Project Plan, including a Development Agreement and other necessary documents and certificates, and such Authorized Officers, acting jointly, are hereby authorized to execute and deliver such documents.

SECTION 9. The Authorized Officers are authorized to prepare and deliver an Official Statement or Preliminary Limited Offering Memorandum, if required, in connection with the sale of the Bonds, and the Mayor and the Director of Finance are authorized to execute and deliver the Official Statement or Preliminary Limited Offering Memorandum, a Trust Indenture, a Series Indenture and a Bond Purchase Agreement consistent with the terms and conditions determined by the Authorized Officers in accordance with Section 7.

SECTION 10. The Bonds shall be signed by the Director of Finance, shall be countersigned by the Mayor, either manually or by facsimile, and shall bear the seal of the City or a facsimile thereof.

SECTION 11. In case any officer whose signature or a facsimile of

whose signature shall appear on any Bonds shall cease to be an officer before the delivery thereof, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery.

SECTION 12. The City may sell the Bonds in such manner, either at limited public or private sale, and for such price, as the Authorized Officers may determine will best effect the purposes of this ordinance and the Tax Increment Financing Act.

SECTION 13. Notwithstanding any provisions of any general or special law to the contrary, Bonds issued under the Tax Increment Financing Act and hereunder may provide for annual or more frequent installments of principal in equal, diminishing, or increasing amounts, with the first installment of principal to be due at any time within five (5) years from the date of the issuance of the bonds and the last installment of principal to be due not later than twenty-five (25) years from the date of the issuance of the Bonds.

SECTION 14. The Mayor and the Director of Finance are authorized to execute and deliver a Continuing Disclosure Certificate in connection with the Bonds, in such form as shall be deemed advisable by the Authorized Officers. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Ordinance or the bonds or bond anticipation notes, failure of the City to comply with any Continuing Disclosure Certificate shall not be considered an event of default under such bonds or bond anticipation notes; however, any

bondholder or note holder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and under each Continuing Disclosure Certificate.

SECTION 15. From and after the issuance of the Bonds, the Authorized Officers, acting jointly, and the Mayor are authorized to execute and deliver other documents, certificates, agreements and amendments thereto, in furtherance of the development of the TIF Projects in such forms as said officers deem advisable, consistent with the best interests of the City, the execution and delivery thereof by such Authorized Officers to be conclusive evidence of such approval.

SECTION 16. The City Council hereby accepts and approves the Kettle Point City of East Providence, Rhode Island East Providence Waterfront Special Development District Commission Assessment Plan (the "Assessment Plan") as heretofore adopted by the Waterfront Commission in accordance with chapter 345 of the Public Laws of 2003.

SECTION 17. The execution and delivery of an Assessment Pledge Agreement are hereby authorized. The Authorized Officers, acting jointly, and the Mayor are hereby authorized to execute, acknowledge, and deliver the Assessment Pledge Agreement in such form as may be approved by said Authorized Officers, the execution and delivery thereof by such Authorized Officers to be conclusive evidence of such approval.

SECTION 18. This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Councilwoman Rossi

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

B. ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS

WHEREAS, the City of East Providence (the "City") has previously issued its [\$5,095,000 General Obligation Bonds dated June 15, 1999, its \$4,860,000 General Obligation Bonds dated May 15, 2000, its \$5,130,000 General Obligation Bonds dated May 15, 2001, its \$9,000,000 General Obligation Bonds dated May 15, 2003, and its \$9,000,000 General Obligation Bonds dated May 15, 2004 (collectively, the "Prior Bonds"); and

WHEREAS, the City desires to issue general obligation refunding bonds (the "Refunding Bonds") to refund all or any part of the Prior Bonds in order to take advantage of the lower interest rates which currently are prevailing;

WHEREAS, the City intends to issue the refunding bonds provided the present value savings is at least equal to 3% of \$16,335,073, the current outstanding debt service, including principal and interest.

The Council of the City of East Providence hereby ordains:

SECTION 1. Pursuant to Rhode Island General Laws Section

45-12-5.2 the City is authorized to issue Refunding Bonds of the City in an amount necessary to refund all or a portion of the Prior Bonds and to provide for any principal of, redemption premium, and interest on the Prior Bonds coming due on or prior to the date on which the Prior Bonds are to be redeemed, and costs of issuance of the Refunding Bonds. Such authorization is contingent upon obtaining the present value savings levels set forth above in the third Whereas clause.

SECTION 2. The issuance of the Refunding Bonds will result in a financial benefit to the City.

SECTION 3. The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the Refunding Bonds authorized herein may be fixed by the officers authorized to sign the Refunding Bonds.

SECTION 4. The City Council hereby authorizes the Director of Finance and the Mayor acting on behalf of the City, to issue the Refunding Bonds for the purposes set forth in this Ordinance and to take all actions as they deem necessary to effect the issuance of the Refunding Bonds. The Refunding Bonds shall be issued by the City under its corporate name and seal or facsimile of such seal. The Refunding Bonds shall be signed by the manual or facsimile signature of the Director of Finance and the Mayor.

SECTION 5. The Director of Finance and the Mayor are hereby authorized to issue the Refunding Bonds and deliver them to the purchaser and said officers are hereby authorized and instructed to

take all actions, on behalf of the City, necessary to ensure that interest on the Refunding Bonds will be excludable from gross income from federal income tax purposes and to refrain from all actions which would cause interest on the Refunding Bonds to become subject to federal income taxes.

SECTION 6. The Director of Finance and the Mayor are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") and to execute and deliver a Continuing Disclosure Certificate in connection with the Refunding Bonds in the form as shall be deemed advisable by the Director of Finance and the Mayor in order to comply with the Rule. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Ordinance or the Refunding Bonds, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and under the Continuing Disclosure Certificate.

SECTION 9. This Ordinance shall take effect upon its passage.

Requested By: Director of Finance

Motion____**By**____**2nd**____

Capobianco___Cunha___Rossi___Rose___Briden___

X. NEW BUSINESS

A. City Managers Report (by Acting City Manager, Paul Lemont)

1. Roofing Issues – Odd Fellows Home, Pierce Field

B. Reports of Other City Officials

1. Claims Committee Report (by City Solicitor Timothy Chapman)

Motion___By___2nd___

Capobianco___Cunha___Rossi___Rose___Briden___

C. Council Members

1.Recognizing the EPHS Band (Assistant Mayor Rose)

2. Start Date of Road Construction (Assistant Mayor Rose)

3. Ground city program (by Councilman Cunha)

4. Condemned houses (by Councilman Cunha)

5. Red tag on properties (by Councilman Cunha)

6. Street sweeps (by Councilman Cunha)

7. Four Year Terms-Home Rule Charter (by Councilwoman Rossi)

8. Update on EP Council on the Arts (by Councilwoman Rossi)

9. Riverside Renaissance Movement (by Councilwoman Rossi)

10. Public Celebrations Committee (by Councilwoman Rossi)

11. Stop and Shop 100 Days of Giving (by Councilwoman Rossi)

D. Report of School Committee Liaison

E. Communications

1. Gary Menissian, 121 Agnes Street (02914) requesting to address the Council regarding a road race approval for Ocean State MultiSport.

2. Dean Ventre and Roger Morrell, 16 Outlook Avenue (02914) requesting to address the Council regarding the 8th Annual Neighborhood Block Party, Saturday, August 9th, 4:00PM-11:00PM, blocking off Outlook Avenue from Hawthorne Avenue to Brightridge Avenue.

X. ADJOURNMENT

Motion___By___2nd___

Capobianco__Cunha__Rossi__Rose__Briden__

***If communications assistance is needed or any other accommodations to ensure equal participation please contact the City Clerk's Office at 435-7590.**